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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,750	06/26/2003	Toru Inoue	0666.1810001	3802
26111	7590	11/23/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LE, DAVID D	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,750	INOUE ET AL.	
	Examiner	Art Unit	
	David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/942,556.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the second Office action on the merits of Application No. 10/603,750, filed on 26 June 2003. Claims 1-6 and 10 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Information Disclosure Statement, received on 06/26/03

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,634,446 to Ima in view of U. S. Patent No. 5,617,764 to Komura et al.**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the

reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Claims 1-6 and 10:

Ima (i.e., Figs. 1-2; column 3, line 19 – column 6, line 64) discloses a multi-wheel drive vehicle comprising:

- An engine (3) having a crank shaft (6);
- A transmission (13);
- A transmission input shaft (5 and 37);
- A continuously variable transmission assembly (7) including a split pulley (36) and a belt (i.e., column 3, lines 59-60);
- A transmission output shaft (41);
- A pair of left and right rear axles (8);
- Wherein bearings are provided to support outward portions of left and right axles (i.e., Fig. 1);

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- A differential gear assembly (32) having a differential locking slider, which can switch between a differential mode and a differential-lock mode (i.e., column 5, lines 5-15);
- A transmission housing (31) including the portions that housing left and right axles;
- A wet-type disc brake device (22 or 100);
- A plurality of friction discs (110 and 111);
- A pressure member (113);
- Wherein the wet-type brake device is disposed in the bowl-like shaped portion of the housing between the left and right axles;
- Wherein an arm for operating the wet-type disc brake is disposed outside the bowl-like shaped portion of the housing (i.e., column 5, lines 16-20);
- A drive train (35) which can switch the rotational direction of said output shaft in relation to the rotational direction of said input shaft;
- A prime rotary object (51);
- A follower rotary object (53); and
- A governor (34).

Ima does not explicitly disclose:

- A pair of left and right transmission housing parts; and
- A pair of left and right axle housings mounted onto left and right faces of the transmission housing.

Komura (i.e., Fig. 1; column 4, line 45 – column 7, line 55), on the other hand, teaches a drive device or a power working vehicle comprising:

- A transmission housing (2) having a pair of left and right transmission housing parts (2L and 2R); and
- A pair of left and right axle housings (49) mounted onto left and right faces of the transmission housing (2);
- Wherein the pair of left and right axle housings (49) includes a pair of mounting portions (i.e., Fig. 1, being the flanges of the left and right axle housings 49) that mounted/screwed onto left and right faces of the transmission housing (2), which is inherently mounted to the frame of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ima transmission housing (31) such that the housing comprises left housing part, a right housing part, a left axle housing and a right axle housing, in view of *Komura*, for the benefit of good machinability and assemblability.

Response to Arguments

5. Applicant's arguments filed on 26 August 2005 have been fully considered but they are not persuasive.

Applicant argues that neither Ima nor Komura discloses axle housings having "mounting portions for mounting to the bodywork frame".

Examiner respectfully disagrees for the reason as explained in the last bullet of paragraph 4 above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl


RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 3681